

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
JANUARY 14, 2014
5:00 P.M.
PLANNING DEPARTMENT CONFERENCE ROOM**

ANNUAL MEETING

AGENDA

PRESENT:

___JOE GILLIS, CHAIRMAN
___WILLIAM SULLIVAN, TREASURER
___TODD RULISON, SECRETARY
___JOSEPH SEMIONE, MEMBER
___LEN HOUSE, MEMBER
___GEORGE BEVINGTON, MEMBER
___JAMES MRAZ, IDA EXECUTIVE DIRECTOR
___KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___MIKE REESE, PRESIDENT, FULTON COUNTY CRG
___RALPH OTTUSO, LIAISON, ECONOMIC DEVELOPMENT COMMITTEE
___LEADER HEARALD

I. MINUTES FROM DECEMBER 5, 2013 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. **COMMITTEE REPORTS:**

A. Nominating Committee:

1. Report of Nominating Committee: 2014 Officers

Chairman	: Joe Gillis
Vice-Chairman	: Len House
Treasurer	: Bill Sullivan
Secretary	: Todd Rulison

2. Nominating Committee recommends that the IDA Board consider term limits for officers.

IDA ACTION:

MOTION : To accept the report of the Nominating Committee for 2014 IDA Officers
MADE BY :
SECONDED :
VOTE :

B. Audit Committee:

- No report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. **OLD BUSINESS:**

A. **Lot Sale Payment from 1988 Incubator Building Project in Crossroads Industrial Park:**

- Found the 1989 Promissory Note and Collateral Security Mortgage.

B. **Tryon Technology Park and Incubator Center Project:**

1. Deed Transfer:

- Update: Kara Lais

2. SEQR:

a. Proposed Action:

1. The proposed action is the redevelopment of the former Tryon Juvenile Detention Facility into the Tryon Technology Park and Incubator Center.
2. The proposed project will include:
 - Potential physical alteration of 10+ acres of land.
 - Creation of shovel-ready sites.
 - Construction of new internal access roads and stormwater collection system.
 - Construction of new water and sewer lines.
 - Renovation of sewer pump stations.
 - Installation of water tank and pumps.
 - Building demolition.
 - Installation of gas and electric and communications and fiber optics.
 - Other work.

b. Resolution Adopted at October 22, 2013 Meeting:

1. At October 22, 2013 meeting, the IDA Board adopted a SEQR resolution that:
 - a) Classified the proposed action as a Type I Action.
 - b) Proposed that the IDA Board serve as Lead Agency.
 - c) Authorized the distribution of the Site Plan and Part I Environmental Assessment Form (EAF) to all Involved Agencies asking for:
 - 1) Their consent to the IDA serving as Lead Agency.
 - 2) Their comments on whether the proposed action may create any environmental impacts.

c. Input Received From Involved Agencies on Lead Agency:

1. Involved Agencies were sent letters on October 25, 2013 asking for their input and comments by Friday, November 29, 2013.
2. Letters were received from the following Involved Agencies by November 29, 2013:

- Fulton County Board of Supervisors
- Gloversville Water Board
- Empire State Development
- NYSDEC
- NYSDOH
- Gloversville Johnstown Joint Wastewater Treatment Plant

3. All Involved Agencies consented to the IDA serving as the SEQR Lead Agency.

d. Comments from Involved Agencies:

1. In its October 31, 2013 letter, NYSDEC offered three (3) comments on the proposed project:

- a. An unnamed tributary of the Kayaderosseras Creek, a Class C(T) stream, is located on the Project Site and any disturbance to the bed or banks of this stream would require an Article 15 Protection of Waters Permit.
 - b. Any disturbance of more than 1 acre of total area on the site will require a SPEDES General Permit for Stormwater Discharges from Construction Activities (GP-02-01).
 - c. A portion of the project site is in a general area known to contain archeological resources. NYSDEC suggested that the project information be submitted to the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) to request a Determination of Project Impacts on Cultural Resources.
2. No other comments were received.
- e. Resolution Adopted at December 5, 2013 Meeting:
1. The IDA Board adopted a SEQR Resolution that designated the IDA Board as SEQR Lead Agency.
 2. On December 9, 2013, letters were sent to all Involved Agencies advising them that the IDA Board designated itself as Lead Agency.
- f. Environmental Assessment Form: Part II:
- At its December 5, 2013 meeting, the IDA Board reviewed an Environmental Assessment Form: Part II on the proposed project.
 - The IDA Board determined that the following sections of the Part II form could be eliminated from consideration since there was no reasonable justification that the proposed project may create any significant adverse environmental impacts in these categories:
 2. Geological Features
 4. Groundwater
 5. Flooding
 6. Air
 9. Aesthetic Resources
 10. Historic and Archeological Resources
 11. Open Space and Recreation
 12. Critical Environmental Areas
 15. Noise, Odor and Light
 17. Consistency with Community Plans
 - The IDA Board did determine that the following remaining sections of Part II should be checked “Yes” and the sub-questions under each of those sections should be answered:
 1. Land
 3. Surface Water
 7. Plants and Animals
 8. Agricultural Resources
 13. Transportation

- 14. Energy
- 16. Human Health
- 18. Consistence with Community Character

g. Part III: Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance:

- As Lead Agency, the IDA Board must complete a Part III for every question in Part II where the impact was identified as potentially large or where there is a need to explain why a particular element of the proposed action will not or may result in a significant adverse environmental impact.
- Based on its analysis in Part III, the IDA, as Lead Agency, must decide whether to require a Draft Environmental Impact Statement (DEIS) to further assess the proposed action or whether available information is sufficient to conclude that the proposed action will not have a significant adverse environmental impact.

h. Environmental Assessment Report (EAR):

- A comprehensive EAR was prepared to serve as the basis for the IDA Board issuing a Determination of Significance.
- The EAR was mailed to IDA Board members on January 2, 2014.
- The EAR was e-mailed to IDA Board members on January 2, 2014.
- Review EAR.

IDA DISCUSSION:

i. Determination of Significance:

- Based upon the information contained in the EAF Parts I and II, the EAR, public comments, input from Involved Agencies and the IDA Board's knowledge and review, the IDA Board, as Lead Agency, must make a Determination of Significance.
- The IDA Board could issue one (1) of two (2) declarations:

1. Positive Declaration:

- This would mean the IDA Board determined that the proposed action may create significant environmental impacts and that a Draft Environmental Impact Statement (DEIS) should be prepared.
- This would mean the SEQR Review would continue.

2. Negative Declaration:

- This would mean the IDA Board determined that the proposed action will not create any significant environmental impacts and that a DEIS does not have to be prepared.
- This would mean the SEQR Review would end.

IDA DISCUSSION:

IDA ACTION:

MOTION: To issue a Negative Declaration on the proposed Tryon Technology Park and Incubator Center Project and to authorize and direct the Executive Director to distribute the Negative Declaration to the Chief Elected Officials in the Towns of Johnstown and Perth, all Involved Agencies and the Environmental Notice Bulletin.

MADE BY:

SECONDED:

VOTE:

3. Tryon Marketing Study:

a. National Grid Grant:

- National Grid has awarded a \$75,000 grant from its Strategic Economic Development Outreach Program to the IDA for the Tryon Marketing Plan Project.
- This grant will be matched by County funds.
- Fulton County will now distribute a Request for Proposals to marketing firms to obtain cost proposals to prepare the Tryon Marketing Plan.

b. Scope of Work:

- See handout.

V. NEW BUSINESS:

A. 2014 Committee Appointments:

- Per the IDA's Bylaws, the Chairman shall annually appoint members to the IDA's Committees.
- The following is the Chairman's list of Committee appointments for 2014.

<u>Committee</u>	<u>2013</u> <u>Appointees</u>	<u>2014</u> <u>Appointees</u>
1. Audit	1. Len House 2. Fran Reed 3. William Sullivan	1. 2. 3.
2. Governance	1. Todd Rulison 2. Joseph Gillis 3. George Bevington	1. 2. 3.
3. Finance	1. Fran Reed 2. Todd Rulison 3. William Sullivan	1. 2. 3.
4. Nominating	1. Joseph Semione 2. Len House 3. George Bevington	1. 2. 3.

B. Staff Appointments:

1. The IDA's Bylaws require that the IDA Board annually appoint:

- Executive Director
- Auditor

2. Appointment of Executive Director:

MOTION: To appoint Jim Mraz to serve as the IDA's Executive Director for 2014 at a salary of \$18,900/year.

MADE BY:

SECONDED:

VOTE:

3. Appointment of Auditor:

MOTION: To appoint West & Company to serve as the IDA's Auditor for 2014.

MADE BY:

SECONDED:

VOTE:

C. Engagement Letter Regarding Audit of IDA's 2013 Financial Statements:

1. Engagement Letter from West & Company:

- Engagement Letter identifies West & Company's scope of work to audit the IDA's 2013 Financial Statement and for providing payroll services in 2014.
- Total Fee: \$ 9,500 Audit
\$ 500 Payroll
- These funds are included in IDA's 2014 Budget.

MOTION: To authorize the Chairman to sign the Engagement Letter with West & Company to audit the IDA's 2013 Financial Statements and provide payroll services in 2014 at a total cost of \$10,000.

MADE BY:

SECONDED:

VOTE:

D. Legal Counsel Agreements:

1. General Legal Services Agreement:

- It is recommended that the IDA retain the law firm of Fitzgerald, Morris, Baker, Firth, PC to serve as IDA Counsel in 2014 and provide general legal services.
- Total Retainer: \$5,000
- These funds are included in IDA's 2014 Budget.

MOTION: To authorize the Chairman to execute an Agreement with Fitzgerald, Morris, Baker and Firth, PC to provide general legal services in 2014 at a total retainer fee of \$5,000.

MADE BY:

SECONDED:

VOTE:

2. Legal Services Agreement for Tryon Technology Park and Incubator Center Project:

- It is recommended that the IDA retain the law firm of Fitzgerald, Morris, Baker, Firth, PC to provide legal services to the IDA in 2014 for the Tryon Technology Park and Incubator Center Project.
- Total Retainer: \$3,000
- These funds are included in IDA's 2014 Budget.

MOTION: To authorize the Chairman to execute an Agreement with Fitzgerald, Morris, Baker and Firth, PC to provide legal services in 2014 at a total retainer fee of \$3,000.

MADE BY:

SECONDED:

VOTE:

E. Financial Officer:

- It is recommended that the IDA retain Carol Ellis to perform financial services for the IDA in 2014.
- Total Fee: \$600
- These funds are included in IDA's 2014 Budget.

MOTION: To authorize the Chairman to execute an Agreement with Carol Ellis to provide financial services to the IDA in 2014 at a total fee of \$600.

MADE BY:

SECONDED:

VOTE:

F. 2013 Performance and Measurement Report:

1. Background:

- The 2009 Public Authorities Reform Act requires public authorities to develop performance measures to assist public authorities determine how well they are carrying out their mission.
- Performance measures assist the IDA Board and management to evaluate and monitor whether the IDA's authority's policies and operating practices are in accordance with its mission.

2. Review 2013 Performance and Measurement Report:

- See Handout.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize and direct the Chairman to sign the 2013 Performance and Measurement Report and to direct the Executive Director to file said Report with the ABO.

MADE BY:

SECONDED:

VOTE:

G. 2013 IDA Board Performance Questionnaire:

1. Background:

- The 2009 Public Authorities Reform Act requires board members of public authorities to conduct an annual evaluation of its performance.
- Evaluation forms were distributed to all IDA Board members on December 26, 2013.
- Executive Director has collected the forms and tallied the results.

2. Review Summary of 2013 IDA Board Performance Questionnaire

- See Handout.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Executive Director to submit the 2013 Summary of IDA Board Performance Questionnaire to the ABO.

MADE BY:

SECONDED:

VOTE:

H. 2013 Assessment of the Effectiveness of Internal Financial Controls System:

1. Background:

- The IDA's Policy 11 requires the IDA Board and management to complete an annual assessment of the effectiveness of the IDA's internal financial control system.

2. IDA's Internal Financial Control System:

- See Handout.

3. Management's Assessment of Internal Financial Control System:

- The Executive Director and Chief Financial Officer recommend no changes to the IDA's Internal Financial Control System.

4. Internal Financial Control System Certification:

- IDA's Policy 11 Annual Assessment of the Effectiveness of Internal Controls requires the IDA Board to adopt a certification statement upon completion of its annual review of the IDA's Internal Financial Control System.
- Proposed statement reads as follows:

"The IDA Board of Directors has documented and assessed the internal control structure and procedures off the Fulton County Industrial Development Agency for the year ending December 31, 2013. This assessment found the IDA's internal controls were determined to be adequate, and to the extent that deficiencies were identified, the IDA has developed corrective action plans to reduce any corresponding risk.

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt the Certification Statement presented above and to authorize and direct the Executive Director to submit acknowledge in PARIS that said Certification Statement was approved by the IDA Board.

MADE BY:

SECONDED:

VOTE:

I. IDA's 2013 Annual Report:

- The Draft 2013 Annual Report was e-mailed to all IDA members on January 2, 2014.
- Review Draft 2013 Annual Report.

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the IDA's 2013 Annual Report and to authorize and direct the Executive Director to file the Report under PARIS as required by the Public Authorities Accountability Act and with the Board of Supervisors..

MADE BY:

SECONDED:

VOTE:

VI. OTHER BUSINESS:

A. Fire Tax Bill for IDA Properties on NYS Route 30A:

- IDA owns two (2) vacant parcels of land on the east side of NYS Route 30A.
- Both parcels are in the Town of Johnstown.
- 2014 Fire Tax bills have been received. Even though the IDA is tax exempt, it is not exempt from Fire Taxes.
- 2014 Fire Tax Bills are:
 - 174.-2-66 : \$27.94
 - 174.-2-65 : \$28.32

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the payment of these two (2) fire tax bills.

MADE BY:

SECONDED:

VOTE:

B. 2013 PILOT Report:

1. Background:

- Each year, the IDA monitors all PILOT Agreements it has on projects to verify that PILOT payments are being made per the PILOT Agreements.
- Each year, the IDA sends a letter to every company it has a PILOT with asking that they fill out a PILOT Report.
- The IDA also sends a similar letter to all local taxing jurisdictions impacted by an IDA PILOT. The information from local taxing jurisdictions is used to compare against the information received from companies.
- The 2013 letters and reports were sent out on November 18, 2013.

2. Status Report:

- To date, the IDA has received responses from:

Companies:

YMCA

Euphrates

Swany

CG Roxane

Nathan Littauer Hospital

Municipalities/School Districts:

City of Gloversville

Fulton County

Greater Johnstown School District

City of Johnstown

- The IDA is waiting for responses from:

Companies:

STAG

CIC

Municipalities/School Districts:

Fonda-Fultonville School District

3. Summary of 2013 PILOT Payments:

- See handout.

4. As of January 1, 2014, the IDA has active PILOT Agreements with the following projects:

Owner	Lessee	Address	Occupant
IDA	STAG	200 Union Ave.	Pioneer Windows
IDA	STAG	199 Enterprise	Vacant
IDA	CIC	160 Enterprise	Vacant
IDA	Euphrates	230 Enterprise	Euphrates
IDA	Swany	115 Corporate Drive	Swany
IDA	CG Roxane	1 Old Sweet Road, Johnstown	CG Roxane

VII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :